



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 7/20/18

Filing Fee: \$200

Receipt No. N/A Application No. 2TA-18-07A

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☐ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores

Address: 5375 N. Virginia Dare Trail

Phone 252-2394 Email info@southernshores-nc.gov

Applicant's Representative (if any)

Name _____

Agent, Contractor, Other (Circle one)

Address _____

Phone _____ Email _____

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map ☒ Zoning Ordinance

Signature

Date

* Attach supporting documentation.



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Ordinance-2018-18-07A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another with principal buildings lying across lot lines. In recent years, the Town has seen a trend towards demolition of the principal buildings located across lot lines and redevelopment of these informally combined parcels. The nature of this redevelopment results in the use of the smaller nonconforming lots and the construction of principal buildings upon each of the nonconforming lots. Such redevelopment increases density and is inconsistent with the Town's desire to maintain its low density character; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of nonconforming lots that have previously been or will be built upon as if they were a single lot. At the same time, the Town desires to allow for existing nonconforming lots that do not have a principal building built or proposed to be built across lots lines to remain able to build a single-family dwelling and customary accessory building; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general

1 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
2 Ordinances as stated below.

3
4 **ARTICLE II. Construction.**

5
6 For purposes of this ordinance amendment, underlined words (underline) shall be
7 considered as additions to existing Town Code language and strikethrough words
8 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
9 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
10 ("...") shall remain as they currently exist within the Town Code.

11
12 **ARTICLE III. Amendment of Zoning Ordinance.**

13
14 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
15 Shores, North Carolina, that the Town Code shall be amended as follows:

16
17 **PART I.** That subsection (a) of Sec. 36-132 Regulation of structures and uses be
18 replaced in its entirety with the following:

19
20 *(a) Nonconforming lots of record.*

21
22 (1) In any district in which single-family dwellings are permitted, a single-family
23 dwelling and customary accessory building may be erected on any single lot
24 which met all legal requirements at the time of its creation and recording in the
25 Dare County public registry. All applicable dimensional requirements other than
26 lot area and lot width shall be met for development or redevelopment of such a lot
27 except that a lot having a lot width of fifty (50) feet or less may use a side yard
28 setback of twelve (12) feet.

29
30 (2) Prior to demolition of an existing principal building, redevelopment exceeding
31 50% of an existing principal building's value, or construction of a new principal
32 building when such existing or proposed principal building is located or proposed
33 to be located on two or more lots any of which are non-conforming, all lots
34 underlying the existing or proposed principal building shall be recombined into a
35 single lot. A plat prepared by a North Carolina licensed surveyor showing the
36 recombination shall be shall be recorded in the Dare County public registry, and a
37 copy of the recorded plat shall be provided to the Town prior to the issuance of a
38 zoning or building permit for the demolition, redevelopment or development upon
39 the newly created lot. The lot created by a recombination required by this section
40 shall be deemed to equal or exceed the standards of the Town under Chapter 30,
41 and are exempt from the subdivision process under Chapter 30. The unlawful
42 demolition of a principal building in violation of this section shall preclude the
43 application of section (1) for the underlying lots unless and until a recombination
44 occurs under this section as if the principal building had not been demolished.

1 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
2 **Reasonableness.**

3
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
6 is applicable. For all of the above-stated reasons and any additional reasons supporting
7 the Town's adoption of this ordinance amendment, the Town considers the adoption of
8 this ordinance amendment to be reasonable and in the public interest.
9

10 **ARTICLE V. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
13 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE VI. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____ day of
21 _____, 2018.
22

23
24 _____, Mayor
25

26
27 ATTEST:
28
29

30 _____
31 Town Clerk
32
33

34 APPROVED AS TO FORM:
35
36

37 _____
38 Town Attorney
39

40 Date adopted:
41
42

43 _____
44 Motion to adopt by Councilmember:

45 _____
46 Motion seconded by Councilmember:

1
2
3

Vote: ___AYES___NAYS